

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

ZACHARY D. LUDENS,

Plaintiff,

vs.

CHIEF JUSTICE DAVID E. GILBERTSON, IN HIS OFFICIAL CAPACITY AS THE CHIEF JUSTICE OF THE SOUTH DAKOTA SUPREME COURT; JUSTICE JANINE M. KERN, IN HER OFFICIAL CAPACITY AS A JUSTICE OF THE SOUTH DAKOTA SUPREME COURT; JUSTICE PATRICIA J. DEVANEY, IN HER OFFICIAL CAPACITY AS A JUSTICE OF THE SOUTH DAKOTA SUPREME COURT; JUDGE SUSAN M. SABERS, IN HER OFFICIAL CAPACITY AS THE CHAIR OF THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; LARRY M. VON WALD, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; JACK H. HIEB, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; JUDGE JANE WIPF PFEIFLE, IN HER OFFICIAL CAPACITY AS A MEMBER OF THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; REED RASMUSSEN, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; STEVEN R. BLAIR, IN HIS OFFICIAL CAPACITY AS AN ASSISTANT ATTORNEY GENERAL AND COUNSEL TO THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; SHERIDAN CASH ANDERSON, IN HER OFFICIAL

5:20-CV-05027-KES

ORDER DENYING MOTION FOR
SERVICE BY MAIL

CAPACITY AS SECRETARY OF THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; SHIRLEY JAMESON- FERGEL, IN HER OFFICIAL CAPACITY AS THE CLERK OF THE SOUTH DAKOTA SUPREME COURT; AND LAURA J. GRAVES, IN HER OFFICIAL CAPACITY AS THE CHIEF DEPUTY CLERK OF THE SOUTH DAKOTA SUPREME COURT;	
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Defendants.

Plaintiff, Zachary D. Ludens, moves the court for an order allowing service by mail under SDCL 15-6-4(i). Docket 5. Under South Dakota law, “[a] defendant may admit service of the summons and complaint rather than requiring the plaintiff to effectuate personal service.” *Larson Mfg. Co. of S.D., Inc. v. Western Shocase Homes, Inc.*, 2019 WL 1866326, at *3 (D.S.D. Apr. 25, 2019) (citing SDCL § 15-6-4(i)). Thus, “a summons may be served upon a defendant in any action by mailing a copy of the summons, two copies of the notice and admission of service, conforming substantially to the form provided for in [SDCL] § 15-6-4(j), and a return envelope, postage prepaid, addressed to the sender.” SDCL § 15-6-4(i). Because the defendants may admit service of the summons by mail, a court order is not required. Thus, it is

ORDERED that Luden’s motion for service (Docket 5) is denied.

Dated April 30, 2020.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE